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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,729	07/07/2003	Jonathan Alan Darby	248-00283	7539
26753	7590	09/14/2005	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			RODRIGUEZ, SAUL	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,729

Applicant(s)

DARBY ET AL.

Examiner

Saúl J. Rodriguez

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to the REQUEST FOR CONTINUED EXAMINATION filed June 20, 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

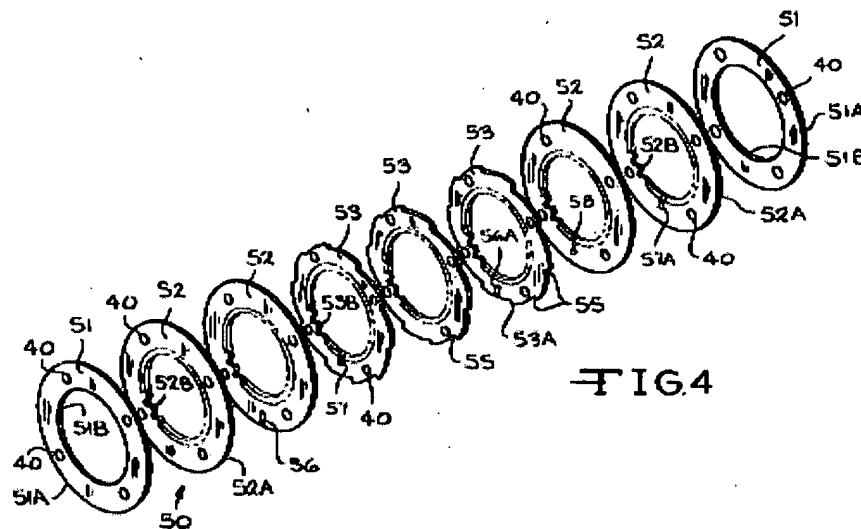
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Fitz ('643).

Quigley discloses a no-back device (Fig. 1) comprising a plurality of ratchet members (22) connectable to a rotating member, pawls (25), interlocking means (40), projections and indentations (Fig. 3, 40, 41). Regarding the limitation that the "ratchets/pawls members are formed from respective materials having different chemical and/or physical properties", the prior art discloses discrete members that would inherently exhibit distinct properties (point, linear, planar, and three-dimensional

defects; in additions to those unique qualities caused by processing – e.g., voids, etc.) that yielding different physical traits. Concerning claim 1, since no frame of reference has been given for the angular offset of the ratchet member (e.g., teeth), any two arbitrary points would satisfy the claimed limitation.



Quigley does not teach using materials of different specifications. Fitz, however, discloses a conventional one way drive using members made from different materials (see Abstract). Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use different materials for the components of the no-back device of Quigley in view of Fitz to compensate for the material deficiencies of another (thereby reducing the likelihood of failure).

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Fitz ('643), as applied to claims 1-6 above, and further in view of Chiang et al. ('363).

Quigley in view of Fitz do not teach having components of different sizes of offset from one another. Chiang, on the other hand, discloses a freewheel device comprising ratchet members of different sizes and offset from one another. Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the above mentioned teachings of Chiang in the device of Quigley in view of Fitz to prolong the life of the clutch.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Fitz ('643), as applied to claims 1-6 above, and further in view of Yoshiie et al. ('809).

Quigley in view of Fitz do not teach sensor/switch means for sensing/controlling the parameters of the no-back device. Yoshiie, on the other hand, discloses a one-way clutch having a strain gauge (80) for controlling the device by means of a controller/switch (14). Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use sensing/switch means in the device of Quigley in view of Fitz and in further view of Yoshiie to accurately monitor and control the parameters of the device.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Costin et al. ('403).

Quigley does not teach using materials of different specifications. Costin, however, discloses a conventional one way drive using members treated by different treatment methods (e.g. coatings; Col. 11, lines 41-49). Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use different materials for the components of the no-back device of Quigley in view of Costin to compensate for the material deficiencies of another (thereby reducing the likelihood of failure).

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Costin et al. ('403), as applied to claims 12-16 above, and further in view of Chiang et al. ('363).

Quigley in view of Costin do not teach having components of different sizes of offset from one another. Chiang, on the other hand, discloses a freewheel device comprising ratchet members of different sizes and offset from one another. Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the above mentioned teachings of Chiang in the device of Quigley in view of Costin to prolong the life of the clutch.

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quigley ('279) in view of Costin et al. ('403), as applied to claims 12-16 above, and further in view of Yoshiie et al. ('809).

Quigley in view of Costin do not teach sensor/switch means for sensing/controlling the parameters of the no-back device. Yoshiie, on the other hand, discloses a one-way clutch having a strain gauge (80) for controlling the device by means of a controller/switch (14). Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use sensing/switch means in the device of Quigley in view of Costin and in further view of Yoshiie to accurately monitor and control the parameters of the device.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saúl J. Rodríguez whose telephone number is (571) 272-7097. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saúl J. Rodríguez

Primary Examiner

Art Unit 3681



SJR